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उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

Mines & Petroleum Department

NOTIFICATION

Jaipur, October 21, 2022

G.S.R.90 .-In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulations) Act, 1957 (Central Act No. 67 of 1957), the State Government hereby makes the following rules further to amend the Rajasthan Minor Mineral Concession Rules, 2017, namely:-

1. Short title and commencement.- (1) These rule may be called the Rajasthan Minor Mineral Concession (Third Amendment) Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Amendment of rule 5.- In sub-rule (4) of rule 5 of the Rajasthan Minor Mineral Concession Rules, 2017, hereinafter referred to as the said rules, for the existing expression "sixty eight months", wherever occurring, the expression "seventy three months" shall be substituted.

3. Substitution of rule 12.- The existing rule 12 of the said rules shall be substituted by the following, namely:-

"12. Prerequisites for e-auction of mineral concession.- The area where a mineral concession is proposed to be granted through auction, prior to issuance of notice inviting bid, the Government shall identify and demarcate the area using global positioning system or global navigation satellite system and the area so demarcated shall be classified into forests land and government land:

Provided that in case of mineral bajri (river sand), identification and demarcation of the area may be done by using global positioning system or global navigation satellite system or khasra-wise.

Provided further that the Director may reserve upto two plots per district per year of mineral masonary stone exclusively for establishment of M-sand unit".

4. Amendment of rule 52.- The existing sub-rule (3) of rule 52 of the said rules shall be substituted by the following, namely :-

"(3) For extraction or removal of gypsum from agriculture land for improvement of land,-

(i) notwithstanding anything contained in these rules, permit for excavation and removal of gypsum from the khatedari land shall be granted to the khatedar for improvement of his land:

Provided that permit shall not be granted where the deposition of the gypsum is more than three meters from the surface.

Provided further that the permit shall not be granted for an area exceeding five hectares and for a period exceeding five years,

(ii) application for permit shall be made online by the khatedar to the concerned Mining Engineer/Assistant Mining Engineer,

(iii) every online application for grant of gypsum permit shall be accompanied with the scanned copy of following documents, namely :-

(a) copy of PAN card;

(b) copy of driving license or voter identification card or aadhar card for photo identity and address proof;

(c) copy of plan and description report of the applied area with latitude and longitude in WGS 84 Datum of all the corner pillars of the applied area;

(d) copy of revenue details of the applied area with khasara naksha trace, khasra or araji number, jamabandi and extent of the area of the khasra or aaraji falling in the applied area along with superimposed map;

(e) copy of partnership deed and firm registration certificate where khatedar is a partnership firm under the Indian Partnership Act, 1932 or Limited Liability Partnership Act, 2008 and a copy of memorandum

of association, articles of association and certificate of incorporation in case of company registered under the Companies Act, 2013;

(f) copy of resolution passed by the board of directors in favour of a person who is authorized to sign the application on behalf of the company, where applicant khatedar is a company;

(g) copy of registered power of attorney in favour of a person who is authorized to sign the application, on behalf of the firm or association of persons where application is not signed by all the partners or persons, as the case may be, where applicant khatedar is a firm or association of persons;

(h) recent passport size color photo of applicant khatedar and all the partners, members or directors where applicant khatedar is a firm or association of person or company, as the case may be;

(i) copy of no dues certificate from the Mining Engineer or Assistant Mining Engineer, concerned, if the applicant khatedar or his/her family member holds or has held any mineral concession or royalty or excess royalty collection contract in the State:

Provided that such certificate shall also be furnished by all the members of association of person or all the partners of the partnership firm or all the directors of the private limited company, where applicant khatedar is a association of person or partnership firm or a private limited company, as the case may be. A no dues certificate shall also be submitted by the company or undertaking in case of limited company or Government undertaking, as the case may be.

Provided further that where any injunction has been issued by any competent court or authority staying recovery of dues, non-payment thereof shall not be treated as a disqualification for the grant of a permit.

Provided also that no dues certificate shall not be required where the applicant khatedar, partners of a firm, directors of the private limited company, members of association of persons, limited company or Government undertaking have furnished an affidavit to the satisfaction of the Government, stating that he/she/it or his/her family member does

not or did not hold any mineral concession, royalty or excess royalty collection contract in the State;

(j) an affidavit giving particulars of areas already held by the applicant khatedar under mineral concession including the area held jointly with other persons, area applied but not granted or granted but license or permit is not issued or lease deed is not executed or registered;

(k) E-mail address and mobile number of an individual or all members of association of persons or firm or all partners of the partnership firm or company or all the directors of the company or Government undertakings, as the case may be;

(iv) duly signed application along with self-certified documents as mentioned in clause (iii) shall be physically submitted to the Mining Engineer or Assistant Mining Engineer concerned, within a period of fifteen days from the date of its online submission and same shall be acknowledged by the office concerned;

(v) on receipt of application for permit, pre-demarcation of the area shall be done by the departmental officials in presence of applicant khatedar and halka patwari within fifteen days of receipt of the application;

(vi) after pre-demarcation, the Mining Engineer or Assistant Mining Engineer concerned shall, inspect the area within fifteen days along with Senior Geologist or Geologist and submit their recommendation regarding depth of gypsum deposition, quantity of gypsum, necessity of removal of gypsum from the land for which permit is applied;

(vii) the Mining Engineer or Assistant Mining Engineer concerned shall, within seven days of submission of joint inspection report, inform the applicant khatedar to submit scheme of mining and other requisite NOC, if applicable, issued by the competent authority and deposit the security amount of rupees fifty thousand in the form of fixed deposit receipt of any Nationalized or Scheduled bank or National Saving Certificates pledged in favour of the Mining Engineer or Assistant Mining Engineer concerned;

(viii) on completion of the formalities mentioned in clause (vii) above, the Mining Engineer or Assistant Mining Engineer concerned shall issue permit to the khatedar and also issue on-line rawanna for dispatch of mineral after deposition of the following amount:-

(a) permit fee at the rate of rupees one thousand + rupee one per tonne of mineral to be dispatched;

(b) royalty as per Schedule II;

(c) premium amount at the rate of rupees one hundred per tonne of mineral to be dispatched;

(d) contribution to the District Mineral Foundation Trust as per the rates specified in the Rajasthan District Mineral Foundation Trust Rules, 2016, as amended from time to time; and

(e) contribution to the Rajasthan State Mineral Exploration Trust as per the rates specified in the Rajasthan State Mineral Exploration Trust, 2020, as amended from time to time:

Provided that where royalty collection contract or excess royalty collection contract is awarded, amount mentioned in sub-clause (b), (c), (d) and (e) may be collected by the contractor at approved nakas from vehicles carrying mineral gypsum;

(ix) the permit holder shall remove the mineral gypsum as per terms and conditions specified in the permit. The permit holder shall not dispatch mineral in excess of quantity specified in the permit:

Provided that, if the permit holder has dispatched mineral in the excess of ten percent of quantity specified in the permit, entire quantity in excess of quantity specified in the permit shall be treated as illegal and shall be charged at the rate of ten times of the royalty;

(x) the Mining Engineer or Assistant Mining Engineer concerned may refuse to grant permit after recording reasons and same shall be communicated in writing to the applicant khatedar.

(xi) the permit holder khatedar shall not,-

(a) assign, sublet, mortgage or transfer the permit in any other manner or any right, title or interest therein; and

(b) enter into, or make any arrangement, contract or understanding whereby the permit holder will or may be directly or indirectly

financed to a substantial extent and by or under which the excavations will or may be substantially controlled by any person or body of persons other than the permit holder;

(xii) in case of any violations of terms and conditions of the permit, the permit shall be cancelled by the Mining Engineer/ Assistant Mining Engineer concerned after taking approval of Superintending Mining Engineer concerned, with forfeiture of security with immediate effect; and

(xiii) the permit holder shall submit quarterly records to the Mining Engineer or Assistant Mining Engineer concerned for assessment of royalty."

[No. F.14(1)Mines/Gr.II/2011-Pt.IV]

By order of the Governor,

Neetu Barupal,
Dy. Secretary to the Government.

राज्य केन्द्रीय मुद्रणालय,जयपुर।